

BUILDING, PLANNING, ZONING

CODES ENFORCEMENT OFFICE

RESPONSIBILITIES

- **BUILDING CODES**
 - **✓ RESIDENTIAL**
 - **VINDUSTRIAL**
 - **✓** COMMERCIAL
- FLOODPLAIN MANAGEMENT
- PROTECTION

- **ZONING**
- **CENSUS**
- **PLANNING**

BUILDING PERMITS REQUIRED

Private Acts, 1974 Chapter No. 279 Except for lands within the incorporated municipalities where a building permit system already exists, any owner or owners of real property in Roane County who plan to build, erect, construct, or remodel, or who plan to cause or allow to be built, erected, constructed, or remodeled, any building or improvements upon their real property, where such construction or remodeling may have a value of or cost of five thousand dollars (\$5,000) or more, shall obtain a permit for such construction or remodeling.

UTILITY CONNECTIONS

House Bill No. 3404 on June 8, 1998, established a private act that requires all Utilities to require proof of a building permit before connecting any utility service to any building or improvement to real property.

BUILDING CODES AND PERMIT FEES

In January of 2007 Resolution No. 07-01-05 authorized the employing of a building inspector, increasing the fee for a building permit and adopting the 1999 Standard Building Code (SBCCI) excluding Chapters 27, 28 and 29.

PERMIT FEES ADJUSTED

In May of 2007 Resolution 07–05–05 was adopted and amended the recommended schedule of permit fees, from Appendix B, of the 1999 Standard Building Codes, with the amendment of Section B103 Demolition Fees to exclude residential structures, and the amendment of Section B105 Plan–Checking Fees to exclude single family dwellings.

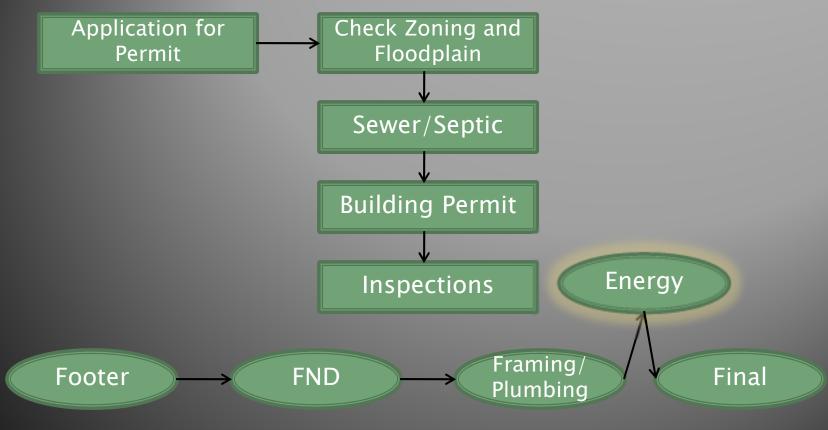
NEW BUILDING CODES (IBC)

In July of 2007 Resolution 07-07-07 adopted the International Building Code (IBC), including Chapter 35, Appendix A, B, C, D, E, F, H, I, J, the 2006 International Existing Building Codes Appendix A and B, the 2006 International Fire Code Appendix A, B, C, D, E, F, G, the 2006 International Fuel Gas Code Appendix A, B, C, D, the 2006 International Mechanical Code Appendix A and B, the 2006 International Plumbing Code Appendix B, C, D, E, F, G, the 2006 International Property Maintenance Code, the 2006 International Wildland-Urban Interface Code Appendix A, B, C, D, E, F, G, H, the 2005 National Electrical Code and the 2006 NFPA 1 Uniform Fire Code, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of all property, buildings and structures; by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures.

NEW BUILDING CODES (IRC)

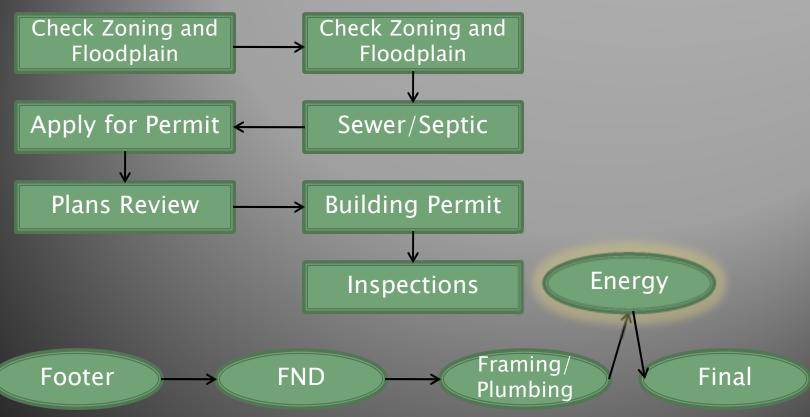
Also in July of 2007 Resolution 07–07–06 adopted the 2006 International Residential Code (IRC) Chapter 43, Appendix A, B, C, D, F, G, H, J, M, N, 0, as published by the International Code Council, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of one and two family dwellings and multiple single family dwellings (townhouses) not more that three stories in height with separate means of egress.

Residential Flow Chart



Certificate of Occupancy

Commercial Flow Chart



Certificate of Occupancy

Oliver Springs Contract

Pursuant to the terms of T.C.A. 40–35–303(k), on January 1, 2009 Roane County entered into a contract with the City of Oliver Springs to provide the services of Building Codes and Zoning enforcement for the City.

The amount to be paid for building codes enforcement is the total amount of permit fees collected.

The amount to be paid for zoning and codes enforcement is \$25.00 per hour.

FEMA Floodplain Regulations and Maps

RESOLUTION #??-08-??? in ????? of 2008

This resolution adopted the flood plain maps created by the Federal Emergency Management Agency (FEMA) dated November 18, 2009 as the official flood maps for Roane County Tennessee.

And the November 18, 2009 Revised Federal Emergency Management Flood Study as the official study and the above noted map/panels for Roane County, Tennessee and incorporates these panels/maps and official flood study into the adopted 2008 FEMA Flood Damage Prevention Resolution.

HOW THE NFIP WORKS

The National Flood Insurance Program (NFIP) is based on a mutual agreement between the Federal Government and the community. Federally backed flood insurance is made available in those communities that agree to regulate development in their mapped floodplains. If the communities do their part in making sure future floodplain development meets certain criteria, FEMA will provide flood insurance for properties in the community.

Our Role

The community enacts and implements the floodplain regulations required for participation in the NFIP. The community's measures must meet regulations set by its state, as well as NFIP criteria.

A participating community commits itself to:

- ► Issuing or denying floodplain development/building permits.
- Inspecting all development to assure compliance with the local ordinance.
- > Maintaining records of floodplain development.
- Assisting in the preparation and revision of floodplain maps.
- >Helping residents obtain information on flood hazards, floodplain map data, flood insurance and proper construction measures.

State Role

TEMA is the state coordinating agency for the NFIP:

- Ensuring that communities have the legal authorities necessary to adopt and enforce floodplain management regulations.
- Establishing minimum state regulatory requirements consistent with the NFIP.
- Providing technical and specialized assistance to local governments.
- Coordinating the activities of various state agencies that affect the NFIP.

Federal Role

The Federal Emergency Management Agency (FEMA) within the Department of Homeland Security (DHS) administers the NFIP through its Regional Offices and its Mitigation Division.

The ten FEMA Regional Offices each have a Mitigation Division that coordinates the NFIP with states and communities.

The Regional Offices are responsible for:

- Assisting the state NFIP coordinating agencies.
- Assessing community compliance with the <u>minimum</u> NFIP criteria.
- Advising local officials responsible for administering the ordinance.
- Answering questions from design professionals and the public.
- Helping review and adopt new maps and data.
- Approving community floodplain management regulations.
- Providing information and training on the flood insurance purchase requirements

Permit Requirements

Permits are required to ensure that proposed development projects meet the requirements of the NFIP and our ordinance. Once a person applies for a permit, we can review the plans and make sure the project complies.

The NFIP requirements are keyed to "development" in the floodplain. Development means any man-made change to improved or unimproved real estate. This includes, but is not limited to:

- > Construction of new structures
- Modifications or improvements to existing structures
- > Excavation
- > Filling
- Paving
- Drilling
- > Driving of piles
- Mining
- Dredging
- Land clearing
- Grading
- > Permanent storage of materials and/or equipment

Compliance

Our community's floodplain management program and permit records are reviewed periodically by the FEMA Regional Office and/or state NFIP coordinating agency. Either agency may inspect records as part of a community assistance visit (CAV) or community assistance contact (CAC).

If our community doesn't uphold its part of the agreement and fails to adequately enforce its floodplain management regulations, FEMA has recourse through three approaches:

- Reclassification under the Community Rating System
- Probation
- Suspension from the program

Community Rating System (CRS)

The CRS program provides a reduction in flood insurance premium rates up to 45 percent for communities that implement activities above and beyond the minimum requirements of the NFIP. The CRS provides credits for a variety of community flood protection activities.

The CRS Application provides a simpler summary of the activities and the initial steps needed to apply for credit.

These activities are divided into four categories, or series:

- ≥300 Public information
- >400 Mapping and regulations
- ≥500 Flood damage reduction
- >600 Flood preparedness

GROUNDWATER PROTECTION

STATE OFFICE

The Ground Water Protection Office is a state operated program. In October of 2003 we contracted with the State of Tennessee to provide office space and administrative assistance to state personnel.

OFFICE STAFF ROLES AND RESPONSIBILITIES

- >Accept applications
- >Maintain data base
- >Accept payment and make deposits to the state
- ►Issue permits after state has approved permit
- > Research historical data as required or requested

ADOPTION OF REGIONAL ZONING

Resolution No. 2101 adopted on April 12, 1990 established regional zoning within the Roane County Regional Planning Region. The Planning Commission establishes, reviews and recommends the zoning plan for Roane County.

A-2, SPECIAL AGRICULTURAL DISTRICT (AMENDMENT)

Resolution No. 91-09-02 in September of 1991 amended the Roane County Zoning by inserting a new section, 1103.2, creating a new district to be referenced as A-2, Special Agricultural District.

1103.2. A-2, Special Agricultural District.

This district is intended for application to rural areas intended for special agricultural uses and areas that are specifically or generally similar to agricultural uses that are or generally perceived to be, a threat to the social and economic health, safety, and welfare of the county and its citizens.

1103.2. 3 Permitted uses and structures

Animal shelters, preserves, reservations, kennels, livestock pens or yards and other places and uses intended for the keeping of wild, exotic, and other animals in a restrained or restricted space because of a potential threat to public health and safety.

Single family residential uses where such use is required as an accessory use to the keeping of animals.

JUNKYARDS

Resolution No. 91-09-03 adopted in September of 1991 as follows:

1104.0.2 <u>Automobile Graveyards, Junkyards, and Salvage</u> <u>Operations.</u>

Any land area, lot, parcel, or tract within the unincorporated portions of Roane County that is used for the holding, parking, or storage of more that five (5) wrecked or inoperable vehicles; the holding, storage, or accumulation of junk (including, but not limited to metal, rope, rags, plastics, paper, trash, other debris, and used appliances and equipment) that covers in excess of 100 square feet of any land parcel, or combination of parcels is hereby declared to constitute a nuisance, hereby defined to be a junkyard.

Heavy Industrial District Amendment

Resolution no. 05-02-94 in May 0f 1994 authorizing the Roane County Regional Planning Commission to further identify and classify the Heavy Industrial District (I-3) to better identify land usage.

I-3, Heavy Industrial District.

This district is intended for uses and activities known or suspected of having negative impacts on residential or commercial areas. This district may include landfills, junkyards, incinerators, and hazardous uses and uses objectionable or noxious because of visual appearance, odor, dust, noise, fumes, smoke, vibration, refuse produced or maintained, or truck traffic generated.

I-3A- All uses and Special Exceptions uses permitted in I-1 or I-2 or uses contained in above mentioned district description I-3, but not contained in any other classification.

Heavy Industrial District Amendment Continued

I-3B- Junkyard, meaning any land area, lot, parcel or tract within the unincorporated portions of Roane County that is used for the holding, parking, storage, or accumulation of junk (including, but not limited to metal, rope, rags, plastics, paper, trash, other debris, and used appliances and equipment) that covers in excess of 100 square feet of any land parcel or combination of parcels.

I-3C- Landfills, meaning a facility where solid wastes are disposed of by burial in excavated pits or trenches or by placement on land and covering with soil or other approved materials. This includes Class I, II, III, and IV landfills or as defined by the Solid Waste Act of 1991, as amended. (TCA-68-211-802).

Heavy Industrial District Amendment Continued

I-3D- Incinerators, meaning an enclosed device using controlled flame combustion, the primary purpose of which is to thermally break down solid waste. Examples of such incinerators are rotary kiln, fluidized bed, and liquid injection incinerators.

I-3E-Hazardous Waste Facility, meaning all contiguous land, structures, and other appurtenances and improvements on land, used for treating, storing, or disposing of hazardous waste. A facility may consist of several treatment, storage, or disposal operational units. Hazardous waste means waste, or combination of wastes which because of its quantity, concentration, or physical, chemical, or infectious characteristics may:

(A) cause or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible illness; or (B) pose a substantial present or potential hazard to human health or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

Overgrown Vegetation Accumulated Debris or Vacant Dilapidated Structures

RESOLUTION No. 2709 in September 0f 1994 exercised the permissive authority granted to Roane County by T. C. A. 5–1–115 regarding overgrown vegetation, accumulated debris, or vacant, dilapidated structures.

T. C. A. 5-1-115 gives Roane County permissive and not mandatory authority to abate conditions of overgrown vegetation, accumulated debris, or vacant, dilapidated structures, such as to endanger the health, safety or welfare of other citizens, or encourage the infestation of rats and other harmful animals and designates the Roane County Zoning Officer to fulfill the duties of such designee as are prescribed by T. C. A. 5-1-115.

Mobile Home Park (MHP)

Resolution No. 06-97-02 in May of 1997 amended to the Roane County Zoning regulations regarding mobile homes and mobile home parks as follows:

Section 1102.3. Definition of terms.— as used, unless the context otherwise requires:

1102.3.2 "Mobile home park" means a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale.

b. Residential: One and two family structures, including mobile homes, and subdivisions, however excluding mobile home park subdivisions, and mobile home parks.

Local Planning Assistance Office

In October of 1999 Roane County entered into an agreement with the Local Planning Assistance Office, an agency of the State of Tennessee. The Local Planning Assistance Office agreed to furnish the services of a regional office, including professionally trained planning advisors who will confer with the local planning commission and other local officials with respect to all phases of the comprehensive planning program. This service will include but not be limited to the following activities:

- 1. Attendance at planning commission meetings; assistance in the preparation and/or review of the long range work program of the planning commission; preparation of comprehensive plans and other planning studies and documents.
- 2. Preparation of land use controls including but not limited to zoning ordinances, subdivision regulations, flood plain management regulations, or other land use controls; review of development proposals; advice and assistance to administrators of zoning, subdivision regulations and other land use controls.

Local Planning Assistance Office continued:

- 3. Access to the resources of a regional office including drafting, mapping and geographic information systems support; planning related research; and planning library.
- 4. Specialty training for planning commissions, board of zoning appeals and local administrators; assistance in providing information on planning activities and interpreting planning programs and activities to the public through meetings and conferences,—news releases and presentations before various groups.
- 5. Advice and assistance on all matters relating to state, federal and regional programs which impact planning and implementation for the locality.

Major Zoning Map Amendment

RESOLUTION #06-03-04 in June of 2003 pursuant to the authority granted by section 13-7-103 of the Tennessee Code Annotated to amend the zoning map of Roane County, Tennessee.

This was a county wide map amendment with the Roane County Regional Planning Commission, and the Certifying Regional Planning Commissions of Harriman, Kingston and Rockwood all forwarding their certifications of the amendment to the Roane County zoning maps.

Former City of Midtown Zoning Map Amendment

RESOLUTION #10-07-01Z in October of 2007 amended the Roane County Zoning map for the area identified as the former city limits of Midtown.

R-4 Multi-Use Residential Commercial (PUD)

RESOLUTION #08-07-02Z In August of 2007 is a resolution creating an R-4 multi-use, residential commercial (PUD) Planned Unit Development District.

The R-4 District was developed to encourage larger scale planned development, to allow a mixture and/or density of land uses, and to encourage creative design to preserve open space and unique environmental features, conserve energy and clustering, and increase the efficiency of public service delivery.

Residential Height Restrictions

RESOLUTION #??-07-??? in August of 2007 is a resolution of the Roane County Planning Commission recommending adding section 401.2.1, article IV of the Roane County Zoning Ordinance regarding height restrictions.

Article IV, Section 401.2.1 is added as follows:

401.2.1 - Residential Height and Density:

Residential height restrictions for residential one and two family dwelling units will be thirty five (35) feet. This will be measured from the lowest point of ground level of the street side of the structure to the ceiling of the top habitable floor. Any one and two family dwelling greater than thirty five (35) feet will be required to have an automated sprinkler system.

Site Plan Requirements

RESOLUTION #??-07-??? in August of 2007

ARTICLE IV. DEVELOPMENT SPECIFICATIONS

404 - Site Plan Requirements

For any commercial or industrial uses, or any apartment or condominium consisting of over four (4) individual housing units, a site plan for the proposed use shall be required and approved by the Roane County Planning Commission before a building permit can be issued. The site plan shall include the following:

÷

Site Plan Requirements

- A. A site plan map
- B. A site plan, drawn to scale at least 1" equals thirty (30) feet
- C. Size and dimensions of the .proposed building(s) and a drawing of all setbacks
- D. Location of loading zones, if any
- E. Ingress and size or dimensions of the driveway(s)
- F. Parking area including number of spaces and design of those spaces; parking lots must be paved.
- G. Location and size of proposed water and sewer lines, fire hydrants, and any attendant facilities such as pumping stations, transmission lines, storm sewers
- H. Location of any signs and the dimensions of location and height of such signs
- I. Additional information such as traffic flows, average daily sewer or water usage and/or any other environmental factors may be required by the Planning Commission

Site Plan Requirements

- J. In the case of a shopping center a master plan for the entire shopping center may be reviewed and approved at one time; However, if any additional development is proposed to be constructed after the approval of the shopping center plans, the additional development will be required to submit a site plan for review and approval
- K. A drainage plan for a two, five and ten year storm event is required All drainage areas, retention or detention ponds, drainage easements, culvert/tile size and proposed improvements shall be shown.
- L. A lighting plan shall be submitted with the location of all proposed exterior lighting as well as the fixture wattage. The lighting plan shall not allow light encroachment on adjoining properties or skyward.
- M. Any chemical or hazardous material storage or use.

Grading Permits

RESOLUTION #??-08-??? in ????? of 2008

402.1 – INTENT AND PURPOSE

The intent of this standard is to address on-site storm water run-off issues to assure that structural or natural drainage systems retain adequate capacity, thus avoiding the need for extensive public expenditures for storm water system improvements. Further, this standard is intended to prevent environmental problems such as erosion, flooding, etc. as a result of increased run-off velocity and/or volume caused by development. Any area/lot/parcel/tract that is one acre or greater in total grading area or cumulative grading area shall submit a grading, drainage and erosion plan to the zoning office and shall obtain a permit prior to the start of any grading.

Racetracks

RESOLUTION #05-10-01Z in May of 2010

A Resolution to Amend the Zoning Resolution of Roane County, Tennessee by the addition of Section 507 Regulating Racetracks, Raceways, Go-Cart Tracks, Motocross, ATV and Other Motorized Trails

507.0 Development-Standards for Racetracks, Raceways, Go-Cart Tracks and Other Motorized Trails/Motor Gross' tracks

The following standards shall apply to all private or public racetracks having three or more cars, carts, or ATV's on raceways, go-cart tracks, ATV trails and other motorized/motocross trails whether operated for profit or free of charge:

Racetracks continued:

Any petitioner for a racetrack, go-cart track, raceway, ATV or motorized track/trail must have at least ten (10) acres under one ownership. The property must be located in a C-1, C-2, I-1, I-2, or I-3 zone only. Setbacks of three hundred (300) feet from all exterior property lines are required. In this setback, parking is allowed but no structures or any part of the track are permitted. A fifty (50) feet wide buffer strip shall be required and included within the 300 feet setbacks. This fifty(50) feet wide buffer strip shall be located along the property line and be used for landscaping and noise barriers. No parking or structures are allowed in this fifty (50) feet wide buffer strip unless it is a noise abatement structure approved by the planning commission.

Outdoor Advertising:

Resolution #08-10-01Z in August of 2010 amendment to allow outdoor advertising structures in all zoning districts except PUD,R-1, R-2, R-3, R-4 and RB Rural Business and shall be as follows:

Section 1: Article III, A-I(Agricultural District) Section 301.2(n), A-2 (Developing Agricultural District 302.2 (k) and C-1 General Commercial District 307.2 (o) of the Roane County Zoning Resolution shall be amended by adding outdoor advertising to the permitted uses noting that no portion of the sign shall be more than fifty (50) feet in height, the face of the sign shall not be larger than 672 square feet as measured on one side. The sign shall not have any more than two sides. No digital, movement, flashing, rotating or rolling or video messages/advertisements are permitted. No variance shall be permitted.

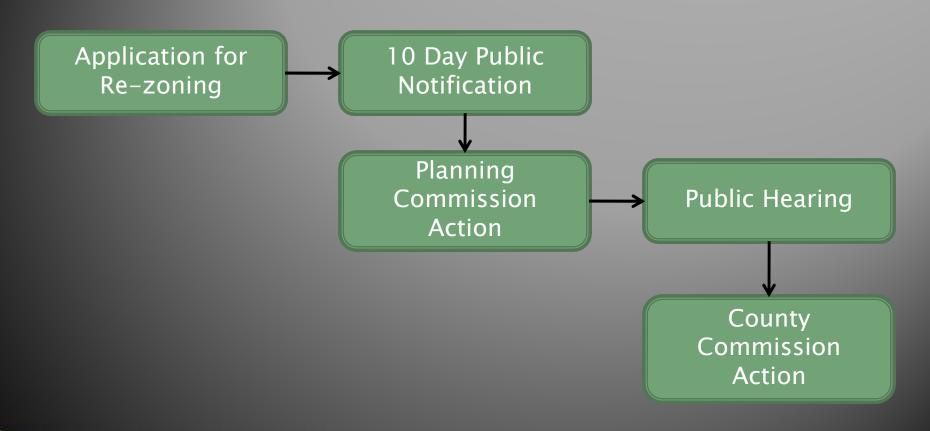
Section 2: Said billboards shall be located within two hundred (200) linear feet of either side of a interstate highway.

Powers and Procedures to Clean Up Properties:

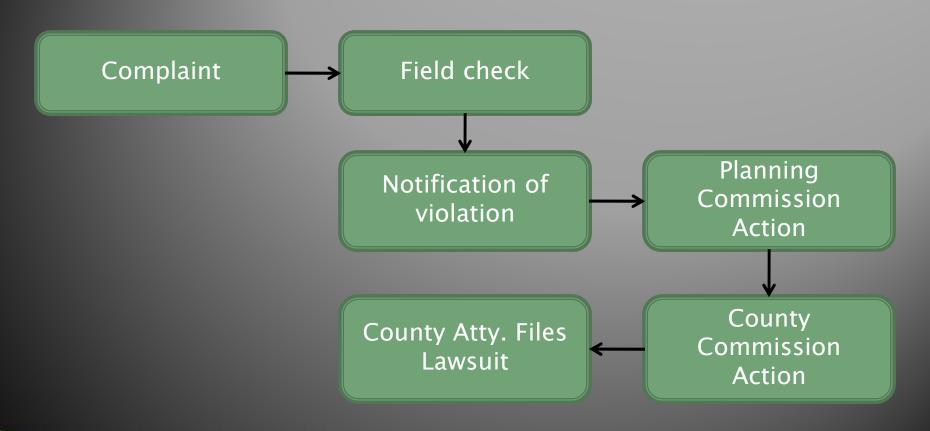
Resolution #09-09-11 in September of 2009 Roane County wishes to enforce its Zoning Regulations and opt into the powers and procedures for removal of such overgrown vegetation and/or accumulated debris as provided for in T.C.A. §5-1-115.

With this resolution Roane County adopted the powers and procedures set forth in TCA §5-1-115, to remove overgrown vegetation and/or accumulating debris as provided for in said statute, in addition to all other powers, remedies and procedures existing under current law.

Re-zoning Request Flow Chart



Zoning Violation Flow Chart



Board of Zoning Appeals (BZA)

The general intent and purpose of the Board of Zoning Appeals is to vary the terms of the zoning regulations of Roane County in appropriate circumstances which are consistent with the conditions and safeguards of this Resolution and in accordance with the other applicable provisions contained herein and to rule on grievances regarding any decision or order of the Zoning Office in any matter related to the interpretation or enforcement of this Resolution.

Variance/BZA Request Flow Chart



County Powers shared with municipalities TCA 5–1–118

- (a) Counties, by resolution of their respective legislative bodies, in addition to other powers authorized by general law or private act, may exercise the following powers granted to all or certain municipalities by the following sections or subdivisions of the Tennessee Code Annotated:
- (1)§ 6-2-201, subdivisions (3)-(8), subdivisions (10)-(13), subdivisions (18), (19), (26) and (28); Municipal General Powers
- (2)§ 6-54-103; Owning real estate outside limits
- (3)§ 6-54-110; Oil and Natural Gas
- (4)§ 6-5.4-307; Police mutual aid agreements
- (5)§§ 6-54-601 6-54-603 Fire protection mutual aid agreements

County Powers shared with municipalities continued: TCA 5-1-118

(c) (1) In addition to those powers granted to counties pursuant to subsection (a), any county may, by adoption of a resolution by a two-thirds (2/3) vote of their respective legislative bodies, exercise those powers granted to all or certain municipalities by § 6-2-201(22) and (23), except as provided in subsection (b) and subdivisions (c)(2) and (3). Any such regulations shall be enacted by a resolution passed by a two-thirds (2/3) vote of the county legislative body. The powers granted to counties in this subdivision (c)(1) apply only within the unincorporated areas. Nothing in this subdivision (c)(1) may be construed to allow any county to prohibit or in any way impede any municipality in exercising any power or authority the municipality may lawfully exercise. If, prior to April 17, 2002, a county has adopted a resolution by a two-thirds (2/3) vote, pursuant to previous acts enacted by the general assembly, to exercise the powers granted in accordance with this subdivision (c)(1), no further action by the legislative body of such county is necessary to continue exercising such powers.

County Powers shared with municipalities continued: TCA 5-1-118

- The powers granted by § 6-2-201(22) and (23) shall not apply to those activities, businesses, or uses of property and business occupations and practices that are subject to regulation pursuant to title 57, chapters 5 and 6; title 59, chapter 8; title 60, chapter 1; title 68, chapters 201–221; or title 69, chapters 3, 7, 10 and 11.
- (3) All court decisions and statutory laws relating to variances and non-conforming uses applicable to zoning ordinances and land use controls shall apply to the enforcement and exercise of those powers granted pursuant to subdivision (c)(1).

County Powers shared with municipalities continued: TCA 5-1-118

The key parts to TCA 5-1-118 are subsections 22 and 23 of TCA 6-2-201. These subsections give the county legislative body the powers to regulate business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people.

- (22) Define, prohibit, abate, suppress, prevent and regulate all acts, practices, conduct, businesses, occupations, callings, trades, uses of property and all other things whatsoever detrimental, or liable to be detrimental, to the health, morals, comfort, safety, convenience or welfare of the inhabitants of the municipality, and exercise general police powers;
- (23) Prescribe limits within which business occupations and practices liable to be nuisances or detrimental to the health, morals, security or general welfare of the people may lawfully be established, conducted or maintained;

Other Areas for Consideration of Regulating:

- > Adult Orientated Business
- > Noise

CENSUS

Information

- >Used to continually update all boundary lines, street and or road names and annexations done as well as population growth.
- County legislative body will vote to accept the latest Census information.

Redistricting

This information will be used to determine if district lines need to be updated and or moved. This action also has to be approved by the county legislative body.

PLANNING

State Planner

Midge Jessman